

PENDING RULE

011. PRIVATE MEMBERSHIP, GROUPS, ORGANIZATIONS; AND OUTFITTING ON PRIVATE LAND

An outfitter license shall not be issued to any individual, group, corporation, or club which limits its services to a membership or does not offer services to the general public. A group, corporation, or club formed in a manner so as to solicit participation from the general public and to provide services on a guided and/or paid basis beyond a sharing of expenses shall be required to comply with the provisions of the Outfitters and Guides Act (Title 36, Chapter 21, Idaho Code).

01. Groups, Organizations, Clubs, and Individual Persons Sharing Costs

a. Any individual person or any group, club, corporation, or entity who in any manner solicits participation from the general public and who provides or facilitates access to the public on private or public lands or waters for boating, hunting, fishing or other hazardous excursions and/or who provides outfitted facilities, or services to the public on a paid or compensated basis or for other consideration, except those who may be otherwise exempt under Section 36-2103 Idaho Code or as otherwise provided in section 02.a of this rule shall be required to comply with the provisions of the Outfitters and Guides Act (Title 36, Chapter 21, Idaho Code) and the Board's rules.

b. Individual persons who share facilities, and expenses while participating in outdoor recreational activities, and who do not solicit participation from the public and who are not compensated or provided other consideration are not required to comply with the provisions of the Outfitters and Guides Act (Title 36, Chapter 21, Idaho Code).

c. An outfitter license shall not be issued to an individual, club, group, corporation, or other entity who does not offer outfitted or guided services to the general public.

02. Private Landowner Responsibilities / Outfitting on Private Land

a. Private landowners, who advertise and only charge fees for access to their land or waters, shall not be required to be licensed as an outfitter.

b. Private landowners ("Landowner") who advertise outfitted or guided services or solicit participation from the general public for such services, or who provide outfitted facilities or services for compensation or consideration shall be required to comply with the provisions of the Outfitters and Guides Act (Title 36, Chapter 21, Idaho Code) and shall be licensed to provide outfitted facilities or services on their own land or waters and/or elsewhere.

i. A landowner providing a Landowner Appreciation (LAP) Tag to any individual or individuals is not considered an outfitted service.

ii. Private landowners licensed as outfitters may designate agents (including existing outfitters) who shall be employees to provide facilities and services.

iii. Private landowners may lease lands or waters they own to licensed outfitters for outfitting purposes.

c. Licensed outfitters shall maintain on file with the Board, a properly completed OG-10 form for each private land on which they hope to operate prior to use of that private land and during the time the private land is licensed to them as an operating area. The OG-10 form must specify the area to be used by the outfitter, the activities to be provided and the date of use allowed by the private land owner. Private lands and activities to be licensed to an outfitter will be added or modified to an existing outfitter license by the outfitter following the major amendment process and must be approved by the Board prior to advertising or use.

i. Outfitter arrangements for use of any private land shall not exceed a period of five years. Reauthorization shall be done by the outfitter providing the Board a properly completed OG - 10 form submitted following the minor amendment process.

ii. Outfitters licensed for the use of private land or water must notify the Board immediately upon the termination of use or changes to the terms of use of any private land licensed as an operating area prior to promotion or use. Changes to the terms of use other than adding areas or activities must be done by the outfitter following the minor amendment process. Termination of an outfitter use arrangement must be done in writing or by submitting an OG -10 form. Either the land owner or the outfitter may terminate an outfitter's use.